




STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



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GOVERNOR

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SUPERINTENDENT OF  
PUBLIC INSTRUCTION

TO: State Board of Education

FROM: Michael P. Flanagan 

DATE: August 29, 2005

SUBJECT: Discussion on the Proposed Amendments to the Revised School Code Regarding State Accreditation of Schools

The State Board of Education discussed an item on Consequences for Non-Title I Schools Not Making Adequate Yearly Progress in March and April of 2005. In presenting that item, we discussed the need to align the federal and state accountability systems. Staff identified the need for amendments to the Revised School Code to accommodate the recommended consequences for non-Title I schools that are identified for improvement after not making AYP for more than two consecutive years.

Proposed amendments to the Revised School Code have been developed, in accordance with the Board's previous discussion and action. Attachment A contains specific amendments recommended for the portions of the Revised School Code that deal with state accreditation (section 1280). Rationale for each recommendation is contained in Attachment B. A summary of the recommendation, in the form of a bill analysis, is contained in Attachment C. The amendments to section 1280 implement the Consequences for Non-Title I Schools Not Making Adequate Yearly Progress. In addition, the amendments also contain the following recommendations:

- Specify that the Annual Report required by section 1204a be coordinated with the NCLB Report Card to become a single report to the community;
- Strengthen the focus on academic goals in the School Improvement Plan, required in section 1277;
- Specify that state accreditation requirements will be the same for all schools;
- Streamline the accreditation language to allow only two options for accreditation status: accredited or unaccredited; and
- Eliminate the requirement to assess in math and reading in grades 1-5 because there is no reason to require schools to spend resources on commercial assessments when MEAP will be available beginning in grade 3.

Following the State Board's approval of the proposed changes to the Revised School Code, a sponsor will be sought to introduce legislation to make the changes in the Revised School Code.

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**PROPOSED REVISIONS THE REVISED SCHOOL CODE  
Act 451 of 1976**

**380.1204a Annual educational report.**

Sec. 1204a.

(1) In addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district **OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY** wants all of its schools to be accredited under section 1280, the board shall prepare and submit to the ~~state board~~ **SUPERINTENDENT, UPON REQUEST OF THE SUPERINTENDENT OR ITS DESIGNEE**, not later than September 1 each year, and shall provide that each school in the school district distributes to the public at an open meeting not later than October 15 each year, an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) **A REPORT ON** ~~copy of~~ the core academic curriculum and a description of its implementation, including how pupils are ensured enrollment in those courses or subjects necessary for them to receive adequate instruction in all of the core academic curriculum, and the variances and explanation for the variances from the model core academic curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, **AND** ~~or~~ nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the **DATA CONTAINED IN THE** district pupil retention report as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) Beginning in the 1996-97 school year, if the school is a high school, all of the following:

(i) The number and percentage of pupils enrolled in the school who enrolled during the immediately preceding school year in 1 or more postsecondary courses under the postsecondary enrollment options act or under section 21b of the state school aid act of 1979, being section 388.1621b of the Michigan Compiled Laws.

(ii) The number of college level equivalent courses offered to pupils enrolled in the school, in the school district, and in consortia or cooperative programs available to pupils of the school district.

(iii) The number and percentage of pupils enrolled in the school who were enrolled in at least 1 college level equivalent course during the immediately preceding school year, disaggregated by grade level.

(iv) The number and percentage of pupils described in subparagraph (iii) who took a college level equivalent credit examination.

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Text in CAPS/BOLD is in addition to the current Code.

Text shown as STRIKEOUT is proposed to be deleted from the Code

(v) The number and percentage of pupils described in subparagraph (iv) who achieved a score on a college level equivalent credit examination that is at or above the level recommended by the testing service for college credit.

(h) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (g).

~~(2) At least annually, the department shall prepare and submit to the legislature a report of the information described in subsection (1)(g), aggregated for statewide and intermediate school district totals, using the information submitted by school districts.~~

**THE ANNUAL REPORT SHALL INCLUDE THE INFORMATION REQUIRED BY THE REPORT CARD PROVISIONS OF THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, 115 STAT. 1425.**

~~(3) The state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model annual educational report for school districts to consider in the implementation of this section.~~

~~(4)~~ **(3)** As used in this section, "college level equivalent course" and "college level equivalent credit examination" mean those terms as defined in part 14a.

### **380.1277 School improvement plan.**

Sec. 1277.

(1) Considering criteria established by the state board, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district **OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY** wants all of the schools of the school district to be accredited under section 1280, the board shall adopt and implement and, not later than September 1 each year, shall make available to the department **UPON REQUEST** a copy of a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plans shall include, but are not limited to, a mission statement, goals based on student academic objectives for all students, **STRATEGIES FOR ACHIEVEMENT OF THE GOALS**, ~~curriculum alignment corresponding with those goals,~~ evaluation processes, **AND staff PROFESSIONAL development TO SUPPORT ACHIEVEMENT OF THE ACADEMIC GOALS**, ~~development and utilization of community resources and volunteers, the role of adult and community education, libraries and community colleges in the learning community, and building level decision making.~~ School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the district's school improvement plans. Upon request of the board of a school district, the department and the intermediate school district shall assist the school district in the development ~~and~~ implementation, **AND EVALUATION** of district school improvement plans. Educational organizations may also provide assistance for these purposes. School improvement plans described in this section shall be updated annually by each school and by the board of the school district.

(2) School improvement plans shall include at least all of the following additional matters:

(a) Goals centered on student academic learning.

(b) Strategies to accomplish the goals.

(c) Evaluation of the plan.

(d) Development of alternative measures of assessment that will provide authentic assessment of pupils' achievements, skills, and competencies.

(e) Methods for effective use of technology as a way of improving learning and delivery of services and for integration of evolving technology in the curriculum.

~~(f) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom~~

**instruction. PROFESSIONAL DEVELOPMENT TO SUPPORT ACHIEVEMENT OF THE ACADEMIC GOALS.**

(3) Each intermediate school board shall adopt and implement and, not later than September 1 each year, shall make available to the department **UPON REQUEST** a copy of a 3- to 5-year intermediate school district school improvement plan and continuing school improvement process for the intermediate school district. Constituent and intermediate school board members, school building administrators, teachers and other school employees, pupils, parents of pupils, and residents of the intermediate school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the intermediate school district's school improvement plan. Upon request of the intermediate school board, the department shall assist the intermediate school district in the development and implementation of an intermediate school district school improvement plan. An intermediate school district school improvement plan described in this section shall be updated annually by the intermediate school board. An intermediate school district school improvement plan shall include at least all of the following:

- (a) Methods to assist districts in improving pupils' academic learning.
- (b) Assurance that all pupils have reasonable access to all programs offered by the intermediate school district, including, but not limited to, transportation if necessary.
- (c) A plan for professional development that supports academic learning.
- (d) Methods to assist school districts in integrating applied academics and career and employability skills into all curricular areas.
- (e) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.
- (f) Collaborative efforts with supporting agencies that enhance academic learning.
- (g) Long-range cost containment measures, including additional services that might be provided at reduced costs by the intermediate school district or through cooperative programs, and cost reduction programs such as interdistrict cooperation in special education and other programs and services.
- (h) To the extent that it would improve school effectiveness, specific recommendations on consolidation or enhanced interdistrict cooperation, or both, along with possible sources of revenue.
- (i) Evaluation of the plan.

~~(4) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts and intermediate school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.~~

**380.1277a Accreditation of schools in school district; requirements. RESCINDED**  
Sec. 1277a.

~~(1) Beginning in the 1994-95 school year, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools in the school district to be accredited under section 1280, the board shall ensure all of the following:~~

- ~~(a) That all information assembled regarding each school building within the school district to prepare the school's annual educational report, as described in section 1204a, is disaggregated by gender and is provided to the individuals participating in the development of the district's school improvement plan under section 1277.~~
- ~~(b) That all gender equity issues raised by the disaggregated information described in subdivision (a) are addressed as part of the planning, development, implementation, evaluation, and updating of the school improvement plan of each school within the~~

~~school district under section 1277 or, if such an issue is not addressed, that an explanation is made to the community of the reason or reasons why the issue is not addressed. An explanation for not addressing a gender equity issue may be included in the school's annual educational report under section 1204a.~~

~~(2) Upon request by a school district, intermediate school district, or school, the department shall provide advice and technical assistance to the district or school on meeting the requirements of this section.~~

### **380.1280 Accreditation.**

Sec. 1280.

(1) The board of a school district **OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY** that does not want to be subject to the measures described in this section shall ensure that each **EVERY** public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: ~~administration and school organization, curricula, staff, school plant and facilities,~~ **LEADERSHIP, TEACHING AND LEARNING, PERSONNEL AND PROFESSIONAL DEVELOPMENT,** school and community relations, and school improvement plans, **DATA AND KNOWLEDGE MANAGEMENT**, and student performance. ~~The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.~~

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, ~~the department shall revise and submit the proposed standards to the superintendent of public instruction. After~~ **AND** a review and revision, if appropriate, of the proposed standards, ~~the superintendent of public instruction shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees,~~ the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes.

~~(4) The superintendent of public instruction shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.~~

~~(5)~~ **(4)** The standards for accreditation ~~or summary accreditation~~ under this section shall include pupil performance on Michigan education assessment system program (MEAP) tests ~~and the percentage of pupils achieving state endorsement under section 1279 as criteria,~~ but shall not be based solely on pupil performance on **STATE ASSESSMENTS** ~~MEAP tests or on the percentage of pupils achieving state endorsement under section 1279.~~ The standards shall also include multiple year change in **PUPIL PERFORMANCE ON STATE ASSESSMENTS** ~~MEAP tests and multiple year change in pupil performance on the percentage of pupils achieving state endorsement under section 1279 as criteria.~~ If it is necessary for the superintendent of public instruction to revise accreditation ~~or summary~~ accreditation standards established under subsection (3) ~~or (4)~~ to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

~~(6) If the superintendent of public instruction determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).~~

~~(7) If the superintendent of public instruction determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the superintendent of public instruction determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.~~

~~(8) (5) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.~~

~~(9) (6) Beginning with the 2002-2003 school year, if at least 5% of a public school's answer sheets from the administration of the Michigan educational assessment program (MEAP) tests are lost by the department or by a state contractor and if the public school can verify that the answer sheets were collected from pupils and forwarded to the department or the contractor, the department shall not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining state accreditation under this section. The department shall not assign an accreditation score or school report card grade to the public school for that subject area until the results of all tests for the next year are available.~~

~~(10) (7) Subsection (69) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425. However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.~~

~~(11) (8) The superintendent of public instruction shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.~~

~~(12) (9) The superintendent of public instruction shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the superintendent of public instruction for technical assistance exceed the capacity, priority shall be given to unaccredited schools.~~

~~(13) (10) A school that has been unaccredited for 3 2 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:~~

~~(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.~~

~~(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.~~

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

**(11) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT ALL SCHOOLS IDENTIFIED FOR IMPROVEMENT UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, 115 STAT. 1425 COMPLY WITH THE FEDERAL SANCTIONS THAT RESULT IN NO ADDITIONAL COST TO THE SCHOOL DISTRICT. THE BOARD SHALL IMPLEMENT APPLICABLE NO COST SANCTIONS REGARDLESS OF WHETHER THE SCHOOL RECEIVES FUNDS OR SERVICES UNDER TITLE I OF PUBLIC LAW 107-110, 115 STAT. 1425.**

~~(14) The superintendent of public instruction shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.~~

### **380.1280a Specialized or alternative school or program. RESCINDED**

Sec. 1280a.

~~The board of a school district or intermediate school district that operates or participates in a consortium that operates an alternative educational program pursuant to section 1301, a vocational technical skills center or other separate vocational education program, or any other type of specialized or alternative school or program shall ensure that the requirements of sections 1204a, 1277a, 1278, and 1280 are met for each of these schools or programs.~~

### **380.1280b Grades 1 to 5; yearly test or assessment.**

Sec. 1280b.

~~(1) Subject to subsection (2), the board of a school district, or board of directors of a public school academy that operates any of grades 1 to 5, shall administer each school year to all pupils in grades 1 to 5 a nationally recognized norm referenced test or another assessment, which may include a locally adopted assessment, approved by the superintendent of public instruction at the request of the school district or public school academy.~~

~~(2) A school district or public school academy may use the Michigan literacy progress profile to assess literacy in grades 1 to 3 as part of its compliance with subsection (1).~~

~~(3) (1) If a school is designated for participation in the national assessment of education progress program, the school shall participate as designated.~~

~~(4) (2) An elementary school that is not in compliance with subsection (1) or a school that does not comply with subsection (13) shall not be accredited under section 1280.~~

**PROPOSED REVISIONS THE REVISED SCHOOL CODE  
Act 451 of 1976**

The primary purpose of the proposed revisions is to bring the state into full compliance with the federal No Child Left Behind Act (NCLB) and to align the state and federal accountability systems by specifying the consequences that will be required of non-Title I schools. In addition, changes are suggested to the Revised School Code to update the accreditation language and align accountability measures with the NCLB statute. Most of the sections to which amendments are proposed were originally adopted as Public Act 25 of 1990.

**380.1204a Annual educational report**

The requirements of this section dovetail the Report Card requirements of NCLB. Both statutes require a report to the community. The data reporting requirements in NCLB are much more specific. The School Code requires reporting on the core curriculum and the school improvement plan. Specific suggestions include:

- Modify subsection (c) to require a report on the core academic curriculum, rather than the current requirement to provide a copy of the core academic curriculum;
- Modify subsection (d) to remove the choice of reporting state assessment data or other norm-referenced data, to require that student assessment data include all assessment data that is available;
- Modify subsection (e) to require that pupil retention (graduation rate) data be included in the report;
- Retain current requirements to report on advanced coursework and dual enrollment;
- Specify that the Annual Report also meets the Report Card requirements of NCLB; and
- Eliminate the requirement for the Department of Education to develop a model annual educational report because the Department already provides a checklist and template for this purpose.

**380.1277 School improvement plan**

The recommended change in this section:

- Strengthening the focus of the school improvement plan on academic goals; and
- Eliminating the requirement that the Department of Education annually review school improvement plans and that the Department annually report on school improvement to the Legislature. The reason for this recommendation is that the Department does not have sufficient resources to carry out this requirement.

**380.1277a Accreditation of schools in school district; requirements**

The Department is recommending that this section be deleted because it duplicates the Report Card requirements in NCLB which require reporting of student assessment data by gender. This section is no longer needed.

**380.1280 Accreditation**

Revisions to this section form the bulk of the recommended changes to align the state and federal accountability systems. Specific recommendations include:

- Modify subsection (2) to reference the research-based School Improvement Framework;
- Modify subsection (3) to clean up references between the Department and the Superintendent of Public Instruction, and to delete the requirement for approval of the accreditation standards by the legislative committees;



Delete the previous subsection (4) which established the separate category of "summary accreditation";  
 Modify subsection (3) (the previous subsection (4)) to reference state assessments to include both the Michigan Educational Assessment Program (MEAP) and MI-Access which is Michigan's alternative assessment for students with disabilities;  
 Delete the previous subsections (6), (7) and (8) which established the separate category of "summary accreditation";  
 Remove references to "interim accreditation" in subsections (8) and (9) (previous subsections (12) and (13));  
 Addition of a new subsection (11) to specify consequences that will be required of non-Title I schools that are identified for improvement through Adequate Yearly Progress (AYP) under NCLB.

### **380.1280a Specialized or alternative school or program**

The Department is recommending that this section be deleted because the accreditation standards issued under section 1280 apply to all schools. The Department believes that all schools must be held accountable to the same high standards for student achievement. This section is no longer needed.

### **380.1280b Grades 1 to 5; yearly test or assessment**

This section was originally proposed to require that students be assessed in order to make decisions about whether students need additional help through summer school. The summer school references were subsequently deleted because the funding for this requirement was eliminated. At the time that this section was added to the Code, the Michigan Educational Assessment Program (MEAP) provided assessment in only grade 4 within this grade range. MEAP will be assessing in English language arts and in mathematics in each of grades 3-8, beginning in school year 2005-06. The Department is recommending that this section be deleted because there is no reason to require schools to spend resources on commercial assessments when MEAP will be available beginning in grade 3. The requirement is retained that schools participate in the National Assessment of Educational Progress (NAEP), if selected.

## **BILL ANALYSIS - DRAFT**

**BILL NUMBER:** Not Yet Introduced  
**TOPIC:** State Accreditation of Schools  
**SPONSOR:** To Be Determined  
**CO-SPONSORS:** None  
**COMMITTEE:** Education  
**ANALYSIS DONE:** August 29, 2005

### **POSITION**

#### **PROBLEM/BACKGROUND**

The federal No Child Left Behind Act (NCLB) requires schools that receive federal financial assistance under Title I of NCLB to implement sanctions if the school does not make Adequate Yearly Progress (AYP) for two consecutive years, in the same content area. NCLB requires a single state accountability system, providing meaningful sanctions for non-Title I schools. Michigan's current school accreditation provisions do not meet this requirement.

#### **DESCRIPTION OF BILL**

The proposed legislation would bring the state into compliance with the federal NCLB and align the state and federal accountability systems by specifying the consequences that will be required of non-Title I schools. In addition, changes are suggested to the Revised School Code to update the accreditation language and align accountability measures with the NCLB statute. Most of the sections to which amendments are proposed were originally adopted as Public Act 25 of 1990. Specific provisions of the bill are designed to:

- Coordinate the reporting requirements of the Annual Report, required in section 1204a, with the NCLB Report Card;
- Focus the School Improvement Plan, required in section 1277, on academic goals;  
Eliminate a dual tier of state accreditation in section 1280;  
Reference the accreditation standards in section 1280 to the research-based School Improvement Framework; and
- Require that the same accreditation standards be applied to all schools; and
- Eliminate the requirement for annual local assessments because the state assessment system is being expanded to cover grades 3-8

## **SUMMARY OF ARGUMENTS**

### **Pro**

- The bill will coordinate state and federal school accountability systems, imposing similar sanctions on schools in similar improvement phases, regardless of whether the school receives federal funding.

The bill updates several requirements that were originally adopted in 1990, and have not been updated since that time.

- The bill streamlines Annual Report requirements so that there is a single report to the community.

### **Con**

- The state may be seen as imposing requirements of the federal No Child Left Behind Act (NCLB) on schools that receive no federal financial assistance.

Some may complain that the bill does not require a school identified for improvement to offer choice with transportation (and supplemental services in phase 2 or higher) simply because the school is not a Title I school.

## **FISCAL/ECONOMIC IMPACT**

Are there revenue or budgetary implications in the bill to the –

### **(a) Department**

**Budgetary:** None.

**Revenue:**

**Comments:**

### **(b) State**

**Budgetary:**

**Revenue:**

**Comments:**

### **(c) Local Government**

**Comments:**

## **OTHER STATE DEPARTMENTS**

None.

## **ANY OTHER PERTINENT INFORMATION**

None.

## **ADMINISTRATIVE RULES IMPACT**

None